

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MOBILIZATION FUNDING, LLC, a
South Carolina limited liability company,

Plaintiff,

v.

HALVORSON CONSTRUCTION
GROUP, LLC; a Washington limited
liability company; and CEC
ELECTRICAL CONTRACTING, LLC, a
Washington limited liability company,

Defendants.

HALVORSON CONSTRUCTION
GROUP, LLC; a Washington limited
liability company,

Third Party Plaintiff,

v.

JOHN and JANE DOE CHASE,
individually and the marital community
comprised thereof,

Third Party Defendants.

Case No. 2:18-cv-01412-RAJ

**ORDER GRANTING MOTION TO
WITHDRAW**

1 This matter is before the Court on counsel for Defendant Halvorson Construction
2 Group, LLC's ("Halvorson") motion to withdraw. Dkt. # 28. Plaintiff Mobilization
3 Funding ("Plaintiff") opposes the motion. Dkt. # 32.

4 On August 19, 2019, HCG petitioned King County Superior Court for the
5 appointment of a general receiver. The petition was granted and on August 20, 2019, the
6 King County Superior Court entered an order appointing a Receiver for Halvorson. Dkt.
7 # 26-1. Halvorson subsequently assigned all of its assets to the Receiver. Dkt. # 26-1.
8 Counsel for Halvorson, Garth A. Schlemlein, Brian K. Keeley, and the law firm of
9 Schlemlein Fick & Scruggs PLLC ("Counsel") now moves to withdraw as counsel in this
10 matter under Local Rule 83.2(b)(1). Dkt. # 28.

11 Counsel argues that good cause exists to allow withdrawal because, due to the
12 appointment of a Receiver, Halvorson has undergone a change in who effectively
13 controls and directs its decisions. Dkt. # 28 at 3. Counsel attempted to obtain clarity
14 from the Receiver regarding Counsel's continued participation in the case but was told
15 that the Receiver had "not decided whether the Receiver [would] participate in this case
16 or, if so, who [would] act as its counsel in that regard." Dkt. # 28 at 1.

17 Counsel served copies of this motion on counsel for Plaintiff and the Receiver. Dkt.
18 # 28 at 4. Counsel also advised Halvorson and the Receiver that as a corporate entity,
19 Halvorson may not participate in this case without counsel and failure to obtain counsel
20 may result in a default judgment or dismissal. Dkt. # 28 at 4. Plaintiff objects, arguing
21 that withdrawal would prejudice Plaintiff because it would leave Halvorson
22 unrepresented and unable to respond to discovery requests and "keep [the] case moving."
23 Dkt. # 32 at 3.

24 The Court finds that movants have shown good cause for leave to withdraw.
25 However, the court notes no substitute counsel has appeared in this matter for Halvorson.
26 "[A] corporation may appear in the federal courts only through licensed counsel."

1 *Rowland v. California Men's Colony*, 506 U.S. 194, 201–02 (1993). Accordingly, the
2 Court will give Halvorson the opportunity to obtain substitute counsel. The Court hereby
3 ORDERS:

- 4 1. Halvorson shall have new counsel enter an appearance on its behalf **on or**
5 **before March 20, 2020**. If Halvorson fails to have substitute counsel enter
6 an appearance by March 20, 2020, the Court may strike the answer and
7 claims of Halvorson and enter default.
- 8 2. Counsel's motion to withdraw is **GRANTED** pending appearance of new
9 counsel for Halvorson. Dkt. # 28. Moving counsel may withdraw only
10 upon appearance of new counsel for Halvorson, or after March 20, 2020,
11 whichever occurs first.
- 12 3. Moving counsel shall immediately serve a copy of this Order on Halvorson
13 and the Receiver and file a certificate of service with the Court.

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15 DATED this 6th day of March, 2020.

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19 The Honorable Richard A. Jones
20 United States District Judge
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